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Ser. No. 10/632,761

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PATENT

RCA 89,567 Div 2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 28 2006

Applicant: KARL FRANCIS HORLANDER
Serial No.: 10/632,761
Filed: August 1, 2003
For: AN ADAPTIVE VIDEO IMAGE INFORMATION PROCESSING
SYSTEM
Examiner: P. NATNAEL
Art Unit: 2614

Response to Office Action and Terminal Disclaimer

Hon. Commissioner for Patents
Alexandria, VA 22313

Sir:

In response to the Office Action dated March 14, 2006, please enter remarks as follows:

Remarks begin on page 2 of this paper.

Ser. No. 10/632,761
Customer # 24498

PATENT
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Claims 1-29 are pending.
Claims 1-9 and 19-29 are allowed.
Claims 10-18 are rejected.

A. Claims 10-18 Rejection

The Examiner rejected Claims 10-18 under a non-statutory provisional double patenting rejection under a judicially created public policy doctrine. Such a rejection however is overcome by having the Applicant or the representative of the Applicant submit a terminal disclaimer in compliance with 37 C.F.R. 1.321c or 37 C.F.R. 1.321d.

The Applicant therefore submits the following statement as to act as a terminal disclaimer.

The owner, Thomson Licensing Inc., of 100 percent interest in the instant application hereby disclaims the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 09/712,539, filed on 11/14/2000, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

The attorney presenting Thomson has the power to act in the capacity of signing the above terminal disclaimer via 37 C.F.R. 1.34 without having to submit a statement under 37 C.F.R. 3.73b (see M.P.E.P. Section 1490).

Please charge a fee of \$130.00 as required under 37 C.F.R. 1.20d to submit this terminal disclaimer to Deposit Account 07-0832. Please charge this deposit account for any other fees owed in connection with this paper.

Applicant submits that this application is a condition to be allowed and requests that the Examiner remove the rejection to Claims 10-18. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

